

Introduced by Senator EvansFebruary 22, 2013

An act to amend Section 47021 of the Food and Agricultural Code, relating to direct marketing of agricultural products.

LEGISLATIVE COUNSEL'S DIGEST

SB 599, as introduced, Evans. Direct marketing: certified farmer markets: operator fees.

Existing law requires, until January 1, 2014, that every operator of a certified farmers' market remit to the Department of Food Agriculture a fee equal to the number of certified producer certificates and other agricultural producers participating on each market day for the entire previous quarter to be deposited in the Department of Food and Agriculture Fund and used by the department, upon appropriation by the Legislature, as specified.

This bill would extend these provisions until January 1, 2018.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 47021 of the Food and Agricultural Code
- 2 is amended to read:
- 3 47021. (a) Every operator of a certified farmers' market shall
- 4 remit to the department, within 30 days after the end of each
- 5 quarter, a fee equal to the number of certified producer certificates
- 6 and other agricultural producers participating on each market day
- 7 for the entire previous quarter. The fee shall be established by
- 8 January 1 of each year by the department upon the receipt of a

1 budget recommendation from the advisory committee. The fee
2 shall not exceed sixty cents (\$0.60) for each certified producer
3 certificate and other agricultural producers participating on each
4 market day. A certified farmers' market may directly recover all
5 or part of the fee from the participating certified and other
6 agricultural producers.

7 (b) Any operator of a certified farmers' market who fails to pay
8 the required fee within 30 days after the end of the quarter in which
9 it is due, shall pay to the department a monthly interest charge on
10 the unpaid balance and a late penalty charge, to be determined by
11 the department and not to exceed the maximum amount permitted
12 by law.

13 (c) All fees collected pursuant to this section shall be deposited
14 in the Department of Food and Agriculture Fund. The money
15 generated by the imposition of the fees shall be used, upon
16 appropriation by the Legislature, by the department, to cover the
17 reasonable costs to carry out this chapter, including all of the
18 following actions undertaken by the department:

19 (1) The coordination of the advisory committee.

20 (2) The evaluation of county enforcement actions and assistance
21 with regard to multiple county enforcement problems.

22 (3) The adoption of regulations to carry out this chapter.

23 (4) Hearing appeals from actions taken by county agricultural
24 commissioners to enforce this chapter.

25 (5) The review of rules or procedures established by a certified
26 farmers' market and the issuance of advisory opinions and the
27 provision of informal hearings pursuant to Section 47004.1 as to
28 whether the rules or procedures are consistent with this chapter
29 and implementing regulations.

30 (6) The maintenance of a current statewide listing of certified
31 farmers' markets with schedules of operations and locations.

32 (7) The maintenance of a current statewide listing of certified
33 producers.

34 (8) The dissemination to all certified farmers' markets
35 information regarding the suspension or revocation of any
36 producer's certificate and the imposition of administrative
37 penalties.

38 (9) Other actions, including the maintenance of special fund
39 reserves, that are recommended by the advisory committee and

1 approved by the department for the purpose of carrying out this
2 chapter.
3 (d) This section shall remain in effect only until January 1, ~~2014~~
4 *2018*, and as of that date is repealed, unless a later enacted statute,
5 that is enacted before January 1, ~~2014~~ *2018*, deletes or extends
6 that date.

O